IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 17978 of 1998

Between:

1. M.V. Murthy, S/o M. Narahari, aged about 41 years, occ.Mechanic Gr.I, E.No. 83001, R/o Shadnagar, Mahabubnagar District.

2. V. Krishna, S/o Brahmaiah, aged about 41 years, Occ: Mechanic Gr.I E.No. 83368, R/o Shadnagar, Mahabubnagar District.

3. G. Prabhakar, S/o Yethirajam, aged about 43 years, Occ Mechanic Gr.I E.No. 84655, R/o Nagar Kurnool, Mahabubnagar District.

4. Premchand Goud, S/o Shankaraiah, aged about 43 years, Occ: Mechanic Gr.I E.No. 84651, R/o Mahabubnagar

5. K. Satyanna, S/o K. Tirupathaiah, aged about 40 years, Occ. Mechanic Grade-I E.No. 84652, R/o Wanaparthy, Mahabubnagar District.

..... PETITIONERS

AND

1. A.P. State Road Transport Corporation, represented by its Managing Director Mushirabad, Hyderabad-20'

2. The Regional Managr, A.P.S.R.T.C, Mahabubnagar Region, Mahabubnagar.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to call for the records from the 2nd respondent and issue an appropriate writ, order or direction, particularly one in the nature of writ of mandamus, declaring that the action of 2nd respondent in not publishing the final seniority list, consequent to the submission of the report by the Committee with regard to the irregularities in preparing the seniority list and not filling up the back-log vacancies as per the Recruitment Regulations of the respondent Corporation; and not considering the

cases of the petitioners for promotion to the post of leading hand under the direct recruitment quota as per Recruitment Regulations of the Corporation as illegal, unjust.

Counsel for the Petitioner:MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.: MR.P.VINAYAKA SWAMY

The Court made the following :

ORDER:

Heard both sides and at their request the main Writ Petition itself is taken up for disposal.

Petitioners herein are all working as Mechanic Grade-I, with the respondent Corporation, filed this Writ Petition inter alia, seeking for mandamus to declare the action of the second respondent herein, in not finalizing the seniority list, consequent upon the report submitted by the Committee, which has been appointed to go into the irregularities occurred in preparation of the seniority list and also in not filling up the backlog vacancies.

The grievance of the petitioners in brief is that they have been working with the respondents herein and they have put up substantial service, therefore, they are entitled to promotions. However, respondents are giving promotions to juniors to the petitioners even without finalizing the seniority list. It is submitted that the respondent-Corporation published the seniority list of Grade-I Mechanics on 21.3.1995 and to that the petitioners have already filed objections. That apart, for this very process, the respondents have appointed a Committee, as evident form the proceedings dated 24.3.1998, issued by the Deputy Chief Traffic Manager, Mahabubnagar Region, to go into all such irregularities and submit a report. Thereupon, the Committee submitted a report and in spite of anomalies pointed out, the final seniority list has not yet been published and the respondents are promoting the juniors to the next higher post. Hence, the present Writ Petition.

The learned Standing Counsel appearing on behalf of the respondent-Corporation submits that having regard to the fact that the nature of service involved and exigencies, it is not possible to finalize the list. Further, the promotions are being given only as and when their turn comes and therefore, no grievance can be made

out.

Considering the submissions made and also on perusal of the material, now the question that crops up for consideration is as to whether the respondents are right in not finalizing the seniority list in spite of commencing of process. There is no dispute of the fact that the petitioners are working as Mechanics Grade-1 and they have put up their substantial service. There is no dispute of the fact that the respondents have earlier issued provisional seniority list on 21.3.1995, to which it is stated the petitioners filed objections. However, the said fact is being denied by the respondent corporation in the counter affidavit. However, the fact, as evident form the proceedings of the Deputy Chief Traffic Manager, Mahabubnagar region, dated 24.3.1998, a Committee has been constituted to go into all these anomalies and irregularities in the seniority list. It is also pointed out that the said Committee has gone into the same and given suggestions. In view of the same, there is absolutely no justification on the part of the respondents herein in not finalizing the seniority list, especially with the available report of the Committee and also objections by the concerned employees including petitioners herein.

In the circumstances, it would suffice in the interest of justice to direct the respondents to finalize the said seniority list.

Accordingly, the Writ Petition is allowed directing the respondents to finalize the said seniority list in terms of the report submitted by the Committee and also taking into consideration any objections or anomalies filed by any of the employees including petitioners herein, within a period of four weeks form today. No costs.

_____ B. PRAKASH RAO, J

Dated:14.12.2004.

ka

To

1. A.P. State Road Transport Corporation, represented by its Managing Director Mushirabad, Hyderabad-20’
2. The Regional Managr, A.P.S.R.T.C, Mahabubnagar Region, Mahabubnagar.

3. 2CD copies.